

STATE OF MISSISSIPPI



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Frank Spencer
Special Assistant Attorney General

September 24, 1997

VIA FEDERAL EXPRESS

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

**RE: In the Matter of Comment On Universal Service Support Distribution Options
For Schools, Libraries, and Rural Health Care Providers
CC Docket No. 96-45**

Dear Sir or Madam:

Enclosed for filing please find the original and four (4) copies of the **COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION TECHNOLOGY** in the above referenced docket.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. K. Spencer", is written over a horizontal line.

Frank Spencer
Special Assistant Attorney General

FS/rl
Enclosures
cc: file

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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Comment on Universal Service)
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Schools, Libraries, and Rural)
Health Care Providers)
)
To: The Commission)

CC Docket No. 96-45

**COMMENTS OF THE MISSISSIPPI COUNCIL
FOR EDUCATION TECHNOLOGY**

MIKE MOORE
ATTORNEY GENERAL
STATE OF MISSISSIPPI

FRANK SPENCER
SPECIAL ASSISTANT ATTORNEY GENERAL
802 NORTH STATE STREET, SUITE 204
JACKSON, MISSISSIPPI 39202
OR
POST OFFICE BOX 22947
JACKSON, MISSISSIPPI 39225-2947
TELEPHONE: (601) 359-4210
FACSIMILE: (601) 359-4273

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COMMENTS OF THE MISSISSIPPI COUNCIL
FOR EDUCATION TECHNOLOGY

The Mississippi Council for Education Technology (Council) is a statutorily created Council in Mississippi, some of whose duties include:

- a. To serve as an advisory body to the State Board of Education;
- b. To develop the State long-range master plan for the efficient and equitable use of technology at all educational levels from primary school through higher education, including vocational and adult education;
- c. To create, oversee and monitor a well-planned and efficient network of technology services to meet the educational and informational needs of the State schools;

- d. To encourage an environment receptive to technological progress in education in the State; and
- e. To create the strategic plan for distance learning in the state.

Members of the Council include the State Superintendent of Education, the Executive-Director of the State Information Technology Services, the Executive-Director of Mississippi Educational Television, the Executive-Director of the Mississippi Library Commission, the Executive-Director of the State Board for Community and Junior Colleges and the Commissioner of Higher Education.

The Council appreciates the opportunity to respond to several of the issues raised in the September 10, 1997, Public Notice. The first three comments are in response to issues identified in the paragraph entitled "Potential for "Exhaustion of Funds" and follow the numbers given in that paragraph.

ISSUE 1. WHETHER A "WINDOW" PERIOD SHOULD BE ESTABLISHED?

The Council supports the concept of a "window" period being established by the Commission. The Council submits that the "window" concept is the most equitable for the majority of the applicants and certainly the most equitable method for the economically disadvantaged applicants that the Commission has identified as the ones that need the most assistance under its Order.

The Council for some time has been concerned about the potential for the exhaustion of the funds that are available, in spite of the fact that at first look the \$2.25 billion seems like a huge

number. When one considers the huge number of potential applicants, the possibility of exhaustion of the funds becomes apparant. The Council has heard rumors that a number of large states have the ability to file immediately upon the publishing of the application and possibly could quickly exhaust the available funds. If this were to occur, it would be very inequitable to a state such as Mississippi with such a large number of economically distressed citizens and school districts.

This State and its state level agencies are prepared to file applications relatively quickly for some of the qualified needs of the local districts and libraries after the application is published. However, there are many qualifying needs for which the local entities must identify and make individual or other group applications. The economically disadvantaged schools and libraries will be the ones which have the most difficulty in identifying their qualifying needs and filing applications. This will be true even though our State Department of Education has been making efforts to educate the local districts through mail-outs and regional training sessions as to the expected contents of the application and the qualifying uses of the funds. Therefore, the Council believes that the most equitable method would be a 60 day (or two month) "window" period in which all applicants that file would be given equal priority. Such a time frame would still encourage timely filings but would also assure that the education process was sufficiently lengthy to assure that understaffed and economically disadvantaged applicants would be able to qualify for an equitable share of the available funds. Thereafter, additional 60 day periods should follow in which all applicants filing in that period would be given equal consideration for available funds.

ISSUE 2. WHETHER THE RULES OF PRIORITY FOR THE \$250 MILLION
SHOULD APPLY TO THE \$1 BILLION AVAILABLE BETWEEN JANUARY 1, 1998 AND
JUNE 30, 1998 ?

The Council supports the concept that all funds should be available first to the applying economically disadvantaged school districts and libraries. Therefore it supports the concept that the Commission should clarify that the rules of priority also extend to the \$1 billion available between January 1, 1998 and June 30, 1998.

ISSUE 3. WHETHER A MECHANISM TO PRIORITIZE REQUESTS FROM RURAL
HEALTH CARE PROVIDERS SHOULD BE ADOPTED?

The Council has no comment on this issue.

ISSUE 4. WHETHER OTHER METHODS MIGHT BETTER INSURE A BROAD
AND FAIR DISTRIBUTION OF FUNDS?

As stated above, a real concern of the Council is that funds will be exhausted before the economically disadvantaged school districts and libraries are able to apply for their equitable share of the available funds. The Council therefore suggests that a more appropriate method would be to initially allocate to each state a proportionate share of the \$2.25 billion annually available. Based on the Commission's obvious intent that such districts and libraries should receive special consideration (since they will receive the largest discounts and also considered first when the funds are limited), the Council recommends that a state's proportionate share under this proposed method should be based on a state's ratio of students participating in the free lunch program to

the national total of students participating in the free lunch program. At the end of an appropriate period, such as 10 months, unawarded funds from all states could be made available by the Administrator in a general pool to new applicants on a first-come basis.

Under this methodology, each state would be assured of receiving a fair share of the fund. Additionally, since the fund allocation would be weighted according to the free lunch program, the Commission would be assured that the fund would be equitably allocated with the same emphasis on assisting the most economically distressed applicants.

The Council's final comment is directed to that portion of the public notice styled Allocation of Aggregated Requests for Funds.

ISSUE 5. COMMENT ON WORKING GROUP REPORT FOR ALLOCATING SUPPORT TO INDIVIDUAL INSTITUTIONS APPLYING ON AN AGGREGATED BASIS

The Council strongly believes that the application process finally adopted by the Commission should encourage aggregated filings and contain simplified allocation guidelines. The Council believes that the applicants should not have to devote inordinate staff time to filing the application, but, rather use their staff to the perform the primary services performed by the applicant. Aggregated filings, with simplified guidelines will allow the schools and libraries to maintain a greater degree of staff efficiency. It would also benefit the Fund Administrator since the Administrator would review a reduced number of applications and the review of such applications would also be simplified.

The proposed samples are based on the premise that in aggregated applications, each entity

must be billed with the discount rate to which that entity is individually entitled. The Council believes that such a premise is too complicated to be practical to implement. A free lunch average for districts, states, consortiums, or other groups filing an aggregated application would be preferable. Although some individual entities will not receive the higher discount rate to which they would be entitled had they filed individually, it is the entities choice to file in an aggregate application. It should be assumed they made a reasoned choice to forego the time and expense necessary to file a separate application. Additionally, although some districts and libraries will benefit by receiving a higher rate than they would if they filed separately, the fund is not harmed since an average would be used meaning that other districts would be receiving a reduced discount rate.


In the case of the state of Mississippi, it is the desire of the Council that two state agencies will be able to assist schools and libraries by filing at least two very large applications. One will be by the State Library Commission which will file on behalf of a large number of local libraries and the second will be by the State Department of Education which will file on behalf of the local school districts. Both of theses applications will include many applicants which, in all probability, would not file if they had to do so individually even though they are among the most economically disadvantaged in the State and need the discount. In both of these cases, the centralized billing is by a state agency(rebilling for services provided by a vendor) which is having a very difficult time attempting to determine whether it can fill out an application and whether it must change its billing policies. If the state agencies are not able to make the filings, it will be an example of the

weighting formulas and allocation tables hurting the very schools and libraries to which the system was supposed to give primary assistance.

Finally, the Council notes that one of the suggested requirements will prove burdensome to states or other entities that would serve as applicant aggregators. The person filing the application must certify that funds will be available to satisfy the applicants' portion of the qualified telecommunication services to be purchased. In the case of a state or other large aggregator or consortium, the person actually filing the application may be filing on behalf of many entities and consequently not be in a position to know the budgets of the individual entities. The Council would suggest that should the Commission ultimately require a certification statement on the application, such statement should be sufficiently broad to recognize that an applicant on behalf of multiple entities can not have the detailed knowledge that an individual applicant would have.

Respectfully submitted,

MISSISSIPPI COUNCIL FOR
EDUCATIONAL TECHNOLOGY

By: 
Frank Spencer, Special Assistant Attorney General

CERTIFICATE OF SERVICE

I, FRANK SPENCER, SPECIAL ASSISTANT ATTORNEY GENERAL, do hereby certify that I have this day, sent by Federal Express Overnight Delivery, a true and correct copy of the foregoing COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION TECHNOLOGY as directed in the F.C.C. Public Notice dated September 10, 1997, styled DA 97-1957.

THIS the 24th day of September, 1997.


FRANK SPENCER